



TOWN OF LOOMIS
ACTION MINUTES
ADJOURNED REGULAR MEETING
LOOMIS TOWN COUNCIL
LOOMIS VETERANS' MEMORIAL HALL
5945 HORSESHOE BAR ROAD
LOOMIS, CA 95650

WEDNESDAY	MAY 28, 2008	6:30 P.M.
CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.		
a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: <ul style="list-style-type: none">- APN 043-014-019 (Town owned corporation yard property to be sold to Loomis Union School District)- APN 044-010-014, 3665 Taylor Road (South Placer Utility District property) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: price and term		
b. CONFERENCE WITH LABOR NEGOTIATOR. Pursuant to Section 54957.6 of the Government Code: Agency Negotiator: Perry Beck, Town Manager Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group		
c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) Section 54956.9: 1 potential case		
WEDNESDAY	MAY 28 , 2008	7:00 P.M.

CALL TO ORDER

Mayor Kelley called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Kelley
Councilmember Millward
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. Council directed Town Manager to discuss alternatives with Loomis Union School District and to let SPMUD know there is an interest in their property.
- b. No action taken.
- c. No action taken.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes. No public comment.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

1. A Resolution of the Town Council of the Town of Loomis Authorizing Worker's Compensation Coverage For Town Volunteers Through The Town's Participation In Small Cities Organized Risk Effort
2. A Resolution of the Town Council of the Town of Loomis Recognizing The 233rd Anniversary of the United States Army
3. Recognition to Kirk Middleton for Achievements and Service For His Eagle Scout

ADOPT RESOLUTION
Resolution 08-20

ADOPT RESOLUTION
Resolution 08-21

APPROVE

CONSENT ITEMS FORWARDED

BUSINESS

4. Rocklin Crossing Project Response

The Rocklin City Council will be hearing the Rocklin Crossing project on May 27, 2008 and the Town of Loomis is preparing a follow-up to the comments that the Town submitted to the Rocklin Planning Commission and will request that the Rocklin Council toll their review of the project to allow time to resolve Loomis issues

Recommended action: Take public testimony and determine Council wishes to do in light of the Rocklin Council decision on the Rocklin Crossing project

Public comment:

Gary Liss, 4396 Gold Trail Way, stated the following:

- at the Rocklin Council meeting there were two key issues, public safety and economic impacts
- public safety - Rocklin Fire Chief pointed out there were two levels of response, mutual aid and automatic aid and there is no central dispatch for this region
- Loomis Fire District will be one of the first responders and there is no funding set up for them
- economic impact - he told Rocklin that our small retailers will be negatively impacted and the comparison done in their EIR was incorrect because they used West Roseville as the basis and did not look at the impacts to Loomis
- he told them that if they put in a Super Walmart then Raleys will be significantly impacted
- he concluded by requesting mitigation for funding Loomis public safety and traffic improvements so we are not service F, not to have a 24 hour business, and to re-configure the project so they are not showing their backside to Loomis

Melvie Filippini, 9570 King Road, stated the following:

- concerned with health hazards to the residents and the environment that will be created by the projects
- she expounded on a study that was conducted by the United States Geological Survey (USGS) and the harmful effects of contaminants that will put our health at a significant risk

Jim Green, 4387 Dias Lane and retired Firefighter, clarified the following:

- when one community calls and another community comes to their aid that is called mutual aid
- automatic aid is whoever is the closest station, regardless, they will be responding first

- the Loomis Fire Chief might want to see who is closer to the Rocklin Crossings
- he urged Council to do what they can to fight this, Rocklin has everything to gain and we have everything to lose

Dan Foster, 4303 Dias Lane, pointed out that he was representing his family and neighbors and summarized their concerns:

- they would like to see reduction in the size of the project
- they would like to see the buildings realigned and closer to the freeway to reduce the air pollution (from the diesel trucks, etc.) impacts
- like to see the lighting impacts reduced by having 16' lights instead of 30' lights
- would like them to plant a few rows of trees as a buffer between the development to filter and reduce the contaminants in the air and the noise
- they would like to see them beef up the back borders of the project by having open space and planting more rows of trees
- they are on well water and concerned about the drainage and the water quality
- there will be a large amount of asphalt that could cause more flooding in Secret Ravine
- studies have shown that 24 hour retail developments are a crime magnet
- the traffic impacts the development will cause, along with all the other accumulative impacts are in violation of the CEQA Guidelines
- he asked Council to hear their cries and fight for their rights

Melissa Netzel, 4317 Dias Lane, stated concerns with the wildlife and urged Council to fight this project.

Jayne Parker stated that the Rocklin Police Chief said they would be getting an increase in revenue from the commercial complex and she pointed out that Loomis may be the first responders.

Council discussed the following issues:

- they would like to see a punch list of all the issues that have been addressed tonight
- Secret Ravine and the Salmon were not addressed in the letter
- the air pollution impact was not addressed regarding our unique weather conditions in Loomis where air is trapped at ground level which will create a toxic basin carbon dioxide
- we have to have mutual aid for our Fire District without a charge, otherwise the Town would have to pay every time we receive help from the other Districts, only the first responders need to be mitigated
- Rocklin plans on extending Dominguez Avenue to Sierra College to mitigate their traffic and this will give us an opportunity to comment on that issue

5. Rocklin Lowe's Project Response

The Rocklin Planning Commission approved the Rocklin Lowes project on May 20, 2008 and the Loomis Council will now want to consider its options to respond to this decision

Recommended action: Take public testimony and determine what Council wishes to do in light of the Rocklin Planning Commission decision on the Rocklin Lowes project

Public comment:

Perry Beck, Town Manager, stated the following:

- Don Mooney, attorney representing the Town, recommends that the Town appeal the Rocklin Planning Commission's decision
- Rocklin's cost to appeal is \$2016

Gary Liss noted the following:

- urged Council to request in writing, a meeting with some of our Council and Rocklin's Council, on the accumulative impacts along the Sierra College corridor
- there is a Dry Creek Greenway Regional plan that documents all the impacts on the water- ways that was developed since the Rocklin Mall and that needs to be included in future comments
- AB32, Global Warming Act, is a significant issue that should be included (accumulative impacts) because Rocklin's General Plan was developed before AB32 was adopted by the State Legislature
- asked Council to request the Attorney General's participation in these discussions
- regarding the public safety issue - there needs to be funding for the first responders

Dan Foster stated the following:

- Sierra College Boulevard is already a stressed traffic and air pollution area
- Rocklin is developing each project by piece-meal and not considering the accumulative impacts
- he encouraged Council to engage some legal teeth to challenge the accumulative impacts through the law to protect our interest
- he read from an article in the Sacramento Bee on poor air quality/pollution in the Sacramento area and noted that both developments will be having close to 6,000 parking areas that will bring more pollution to our area
- we need a united front to oppose this dense commercial development that will significantly affect our quality of life

Arlen Cokely pointed out the following:

- air pollution will be a big concern
- there will be about 51 acres (Rocklin Crossing) and 22 percent will be structures and the rest will be parking lot
- it will be hard to monitor overnight parking when the business is open 24 hours a day.

James Lutzo, 4317 Dias Lane, noted the following:

- if you walk around a loading dock or a truck stop you don't smell fresh air
- asked if Jerry Brown can be invited regarding AB32

Lisa Pywtorak stated the following:

- we will have 3 large lumber facilities along the corridor
- the EIR says all the traffic will be managed nicely is closely exaggerated
- this kind of development should not be on the borders of a city but in commercial centers
- this will have a significant impact on our roads

Cindy McAyeal, Del Mar Avenue, noted the following:

- this will affect other streets with added traffic, such as Del Mar Avenue
- Del Mar Avenue turns into Dominguez at the south end
- the Del Mar bridge is only a culvert and not sure how much it can take
- asked Council not to widen or re-pave Del Mar Ave
- there are a lot of animals along Del Mar Ave and at one time there were 35 wild turkeys and now there are only 3

Melvie Filippini stated the following:

- the businesses that are coming in have a track record of trashing environments and all they do is pay the fine
- she encouraged Council to talk to Rocklin and fight this tooth and nail

Jayne Parker pointed out that the Lowes, that is being proposed, is one of the largest (supersize).

Following further discussion on the matter, a motion was made to appeal Rocklin's Planning Commission's approval of a mitigated Negative Declaration for the Rocklin Lowes project. On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich

Noes: None

Following further discussion on the matter, a motion was made to ask the Loomis Fire District to join in a meeting with Rocklin staff and the Mayor, Mayor pro tempore, and Town staff regarding working on a peaceful way to resolve the issues discussed tonight. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich

Noes: None

Recess from 9:06 p.m. to 9:20 p.m.

6. **Tree Permit Service Fee Adjustment** (Continued from May 13, 2008)

TC 4/8/08

Councilmember Ucovich asked that Council review tree removal permit information before deciding on the permit fee

Recommended action: Approve resolution adjusting tree removal permit fee from \$50/permit to \$53/permit as recommended in the consultant report

Public comment:

Councilmember Ucovich pointed out the following:

- very few people realize you need a permit to cut their tree down
- in Sunrise Loomis several large trees have been cut down in the last 3 months
- he would rather have people get a permit and become educated about the value of trees before they cut them down
- he would like to see no charge for a permit then people will come in for a permit

Councilmember Scherer addressed the following:

- it's an issue of regulation, if you get a permit for free then people won't come in to get a permit
- the fee is irrelevant, it's there so people will get a permit and if they don't you have a violation
- we should advertise in the community the importance of keeping trees

Dan Foster agreed with Councilmember Scherer.

Following further discussion on the matter, a motion was made to not charge a permit fee for a period of one year (to see if there is an increase in permits coming in). On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Kelley, Millward, Ucovich

Noes: Morillas, Scherer

7. **2008/09 Goals and Budgeting** (Continued from May 13, 2008)

TC 1/8/08

Identify goals and projects to develop the 2008/09 budget

Recommended action: Discuss and identify goals and projects, including the Park & Open Space Commission work plan and budget, to add to the prior list of projects for inclusion in the 2008/09 budget

Public comment:

Budget and Work Plan from the Park & Open Space Commission

No public comment.

Following further discussion on the matter, a motion was made to approve the budget and work plan for the Park & Open Space Commission with deletion of the \$100,000 for consulting services (to look at it again at mid-year budget review), and approving Goal 1, revising 7 to state "identify the projects for Tree Fund money," and Goal 2. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Morillas, Scherer, Ucovich

Noes: Kelley, Millward

Horseshoe Bar Road Bike and Pedestrian Path Consideration

No public comment.

Following further discussion on the matter, a motion was made to authorize \$15,000 in the budget to do a design for the Horseshoe Bar Road bike and pedestrian path. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Councilmember Kelley suggested that if a Councilmember wants to bring up an item, then it needs to be brought to the Council Agenda and approved by the majority to add it to the next agenda.

Following further discussion on the matter, a motion was made to continue the goals and budgeting to June 10, 2008. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

COMMITTEE REPORTS

8. Placer County Economic Development Commission – Ucovich
9. Placer County Flood Control/Water Conservation District – Morillas
10. Placer County Transportation Planning Agency – Kelley/Millward
11. Placer County Mosquito Abatement – Ucovich
12. Placer County Air Pollution Control District – Millward/Ucovich
13. Placer County Community Services Commission - Millward
14. Sacramento Area Council of Governments – Scherer/Kelley
15. Placer Land Trust ex-officio representative - Scherer

ADJOURNMENT

A motion was made to adjourn at 10:25 p.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.



Mayor



Town Clerk